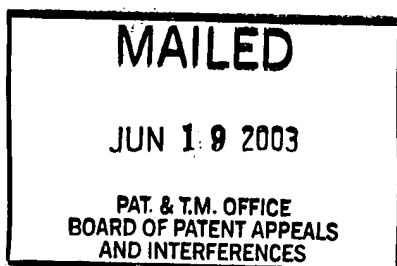


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte JAMES LEISTENSNIDER
and
THOMAS LOOP

Application No. 09/373,786

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on June 9, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On page 3 of the Examiner's Answer mailed December 20, 2002 (Paper No. 12), the examiner listed the following reference under the heading "Prior Art of Record";

US Pat. 5,978,778

O'Shaughnessy

11-1999

It is noted that the Bloom reference cited on pages 7 and 8 of the Examiner's Answer under the heading "Claim Rejections - 35 USC § 103" is not included as "Prior Art of Record." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Aug. 2001), clarification is required regarding the pertinence of the Bloom reference. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Bloom reference under the heading "Prior Art of Record" appearing in the Examiner's Answer mailed December 20, 2002 (Paper No. 12).

Accordingly, it is

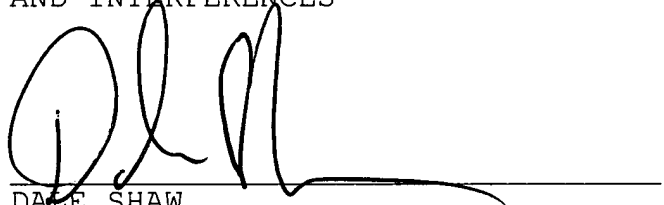
ORDERED that the application is returned to the examiner:

Application 09/373,786

1. for clarification under MPEP § 1211 regarding the pertinence of the Bloom reference listed on pages 7 and 8 of the Examiner's Answer mailed December 20, 2002 (Paper No. 12);
2. if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Bloom reference in a Supplemental Examiner's Answer under the heading "References of Record"; and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE SHAW
Program and Resource Administrator
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ds/psb/lrc
RA030382